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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,420	09/13/2003	Walter E. Pipo	PipoW_P_1_03	8103

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EXAMINER

CARIASO, ALAN B

ART UNIT PAPER NUMBER

2875

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,420

Applicant(s)

PIPO ET AL.

Examiner

Alan Cariaso

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CM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 6-18 is/are allowed.
- 6) ☒ Claim(s) 4, 5, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030913.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 5 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In each of claims 4 and 5, the limitation "said known solidification means" lacks antecedent basis.
4. Claim 19, line 4, recites "providing for at least one light source as described in Claim 18", which is indefinite because it depends on a light source limitation which is only a portion of the claimed self-illuminating object assembly as claimed collectively in claims 1 and 18. It is not clear how or if claim 19 also incorporates the limitations of the self-illuminating object assembly of claim 1 associated with claim 18.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. As best understood, claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by TELL et al (US 6,712,493).

7. TELL discloses a method for illuminating an object assembly (figs.23-25), comprising the steps of: providing for at least one object (710,720,730,740) to be illuminated; providing for at least one aperture (724,734,744) in said at least one object (710,720,730,740) to be illuminated; providing for at least one light source (722,732,742) comprising a light emitting diode (col.9, lines 1-2); reversibly inserting said at least one light source (col.7, lines 59-61) within said at least one aperture (724,734,744), said light source providing illumination to said object assembly (col.7, line 64 to col.8, line 9).

8. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by HARRISON (US 4,754,372).

9. HARRISON discloses a fabricated solid object assembly comprising: a fabricated solid object (10d,11 in fig.2) having at least one visually exposed surface (12, fig.2) and having at least one aperture (17, fig.5) to an outer surface (16); at least one optical fiber (13) embedded within said fabricated solid object (10d,11) providing for one end (18, fig.2) of said fiber (13) to terminate on said at least one visually exposed surface (12) of said fabricated solid object (10d,11); at least one receiving means (32, figs.3 & 4) embedded (fig.5) within said solid object (10d,11) and operatively coupled with said

aperture (17), said receiving means (32) adapted for encompassing another end (36, col.3, lines 39-40) of said at least one fiber (13); at least one light source means (31), wherein said receiving means (32) adapted to reversibly receive said light source means (31) providing for operative contact of said light source means (32) with the end (36, fig.4) of said fiber (13) encompassed by said receiving means (32) enabling light emitted from said light source means (31) to be guided to the end (18) of said at least one optical fiber (13) visibly terminating (fig.7) on said visually exposed surface (18) of said fabricated object (10d,11).

Allowable Subject Matter

10. Claims 1-3 and 6-18 are allowed.

11. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-18 have allowable subject matter not suggest by the prior art of record: at least one receptacle embedded within a fabricated solid object, said receptacle having at least a first end and second end, said first end of said receptacle adapted to encompass said second end of said at least one optical fiber, said second end of said receptacle operatively coupled with said aperture open to an outer surface of said solid object, said first end of said fiber arranged to terminate at said at least one visually exposed surface of said fabricated solid object.


Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. LAVAL, JR (US 2,933,853) shows embedded within a solid object (10,11, figs.1-2) a cap receiving means (111, figs.2-3) that receive one end of each fiber rod (116,120) at a top end and reversibly receive a light source (60) at a bottom end (112). GILBERT (US 3,943,815) shows a solid object (12, fig.3) embedding plural optic fibers (60) that end (47', 45', 43', etc.) on a visually exposed surface (30, fig.4) and a recess opening (54) that encompass opposite ends of the optical fibers (60) and an insertable light source assembly (56,58). FLYNN (US 2,367,858) and CLARKE (US 2,501,160) show solid objects illuminated by embedded optic fibers or rods and a lamp or light source insertable in an aperture of each solid object. ROBB (US 5,619,182) shows solid objects embedding optic fibers (42) and colored LED light sources (30,40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso
Primary Examiner
Art Unit 2875

April 29, 2005
AC